

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TERRY JACKSON,

Plaintiff,

v.

ORDER

09-cv-254-vis

RICK RAEMISCH, MATTHEW FRANK, C.O. ROELKE,  
C.O. MALM, C.O. SPRINGBORN, LORI SIMON, BETH  
LIND, JOE HALL, BRENDA RILLING, FRANCIS  
PALIEKARA, RICK GEIGER, MICHAEL THURMER,  
MS. HAUTAMAKI, CAPT. GERRITSON, JUNE KATHY  
MEIER and SHAWN MATHWHICH,

Defendants.

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In an order entered January 27, 2010, I granted plaintiff's motion for an extension of the deadline to file a motion for summary judgment on the ground that defendants had not timely served plaintiff with their discovery responses. In the same order, I addressed plaintiff's concern that defendants had failed to serve him with a motion for summary judgment in December 2009, explaining that no such motion had been filed at that time. Finally, I noted that plaintiff would have until February 24, 2010 to file a response to the motion for summary judgment defendants filed on January 25, 2010.

Now plaintiff has filed a motion in which he asks the court to "stay or strike" defendants' motion for summary judgment because he says that he has not been served with a copy of the motion. Plaintiff's motion is signed January 25, 2010, which is the same day defendants mailed a copy of their motion for summary judgment to him. Because it appears that plaintiff's latest motion crossed in the mail with defendants' motion for summary judgment, it will be denied as moot.

ORDER

IT IS ORDERED that plaintiff's motion to "stay or strike" defendants' motion for summary judgment (dkt. 56) is DENIED as moot.

Entered this 3<sup>rd</sup> day of February, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge